

No reason is perceived why, under a proper system, teachers cannot be obtained in other counties for the same amount; if this can be done, then the available school fund would supply public free schools at least six months in each year, for every child in the State between eight and twelve years old.

The age indicated as the scholastic period is recommended as the most proper, because the rudimental branches of teaching, to which the public fund must be restricted, can be learned as readily between eight and twelve as at any other period; and if a more advanced age be fixed, the ability of the child, when older, to perform field and other labor will operate as a standing temptation to the cupidity of parents, who need its services elsewhere.

Our scattered population renders a free school system, whose benefits would reach all within scholastic age, impossible, unless children over and under scholastic age can be taught in the same public schools on terms to be agreed on between teachers and parents or trustees, and at the expense of the parent. For this, also, the accompanying bill provides.

From data in the office of the late Superintendent of Education, it would appear that local Superintendents throughout the State favored the abolition of school districts designated as now by geographical lines. The bill reported accomplishes this by providing for the organization of "school communities," to be established to suit neighborhood convenience, to be subject to the supervision of the State Board of Education, and to a Board of Trustees, selected by the parents, who contract with a licensed teacher for the best terms they can procure.

It will be seen that while the bill refers much to the convenience of school communities, and confides much to their interest, as a safe guarantee for a judicious use of their share of the school fund, its details and checks are indispensable to the system and to the safety of the public money appropriated.

Respectfully submitted,

TERRELL, *Chairman.*

On motion of Senator McLeary, two hundred copies of Senate Bill No. 216, with the report of Committee, ordered printed.

On motion of Senator Crain, the Senate adjourned until Monday morning, at 9 o'clock.

FORTY-SEVENTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, June 12, 1876. }

Senate met pursuant to adjournment. Roll called. Quorum present. Prayer by the Chaplain.

Reading of the journal of Saturday dispensed with, and the same adopted.

On motion of Senator Ledbetter, Senator Crain was excused for ten days.

On motion of Senator Thompson, an error in the printed journal of Saturday, in the substitute offered by him for Section 57 of Senate Bill No. 119, "An Act to regulate proceedings in the County Courts, pertaining to the estates of deceased persons," was corrected as follows:

Where "five thousand" occurs in said substitute, it should be "two thousand."

On motion of Senator Terrell, his report from the Committee on Education, submitted on Saturday last, owing to the blanks in said report with regard to scholastic ages not being filled, was ordered to be reprinted in connection with the journals of to-day.

Senator Guy introduced a bill entitled, "An Act to repeal Section 7 of an act entitled, 'An Act to provide the mode of trying titles to land.'"

Read by caption and referred to Judiciary Committee No. 2.

Senator Brady introduced a bill entitled: "An Act to define the qualifications and residence of voters at all elections held in this State, and for other purposes."

Read by caption and referred to the Committee on Privileges and Elections.

Also, a bill entitled: "An Act for the better preservation of the records, books and papers of the several courts of the State of Texas."

Read by caption and referred to Judiciary Committee No. 1.

Senator Storey introduced a bill entitled: "An Act concerning the record of judgments, and other liens upon real estate."

Read by caption and referred to Judiciary Committee No. 1.

Senator Moore offered the following resolution:

Resolved, That the Chairmen of the several committees of this Senate, to whom were referred bills of a general character, which have been acted on by their committees, be requested to report the same at as early a day as possible.

Adopted.

By leave, Senator McLeary, Chairman of Committee on State Affairs, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on State Affairs, to whom was referred House Bill No. 181, entitled, "An Act to provide for the expenses and compensation of the Commission appointed by His Excellency, Governor Coke, April 10, 1875, to investigate the management of the State Penitentiary, and to make an appropriation therefor," have had the same under consideration, and recommend that it do pass, as amended.

Substitute for Section 3 the following:

"SEC. 3. That this act take effect and be in force from and after its passage, an emergency existing therefor, which emergency is that the amounts herein appropriated have been long past due, and the persons herein mentioned ought at once to be reimbursed in their expenses and paid for their services."

McLEARY, *Chairman.*

The following House Bills were taken up by the President and referred to appropriate committees:

House Bill No. 17—"An Act to provide for the pensioning of the surviving soldiers and volunteers of the army of Texas, in the war between Texas and Mexico, from the commencement of the revolution in 1835 to the first day of January 1837, and the surviving signers of the Declaration of Texas Independence, and such of the surviving widows of such soldiers, volunteers and signers of the Declaration of Texas Independence as have remained unmarried; and to provide for the payment of the same."

Referred to Committee on State Affairs.

House Bill No. 35—"An Act to authorize the refunding of moneys paid into the General Land Office, under provisions of 'An Act to authorize

the location, sale and settlement of the Mississippi and Pacific Railroad reserve,' passed August 26, 1856; 'An Act supplemental thereto,' approved November 28, 1857."

Referred to Committee on General Land Office.

House Bill No. 191—"An Act to provide for the transfer of business, civil and criminal, pending in the District Courts, over which jurisdiction is given by the Constitution to the Justices' Courts, to the several Justices' Courts of this State."

Referred to Judiciary Committee No. 2.

House Bill No. 121—"An Act to amend Section 41, and to repeal Section 42 of an act entitled, 'An Act to amend an act to establish a penal code for the State of Texas,' approved February 15, 1858; and to repeal Section 960 of an act to be entitled, 'An Act supplementary to and amendatory of an act to establish a code of criminal procedure for the State of Texas,'" approved August 26, 1856; approved November 14, 1864.

Referred to Judiciary Committee No. 1.

House Bill No. 82—"An Act to define and punish nuisances."

Referred to Judiciary Committee No. 2.

House Bill No. 75—"An Act to amend an act entitled, 'An Act to attach the county of Crockett to the county of Kinney for judicial purposes,'" approved February 10, 1875.

Referred to Judiciary Committee No. 1.

House Bill No. 62—"An Act to provide for the compensation of special Judges."

Referred to Judiciary Committee No. 2.

Senator Brady, by leave, presented the petition of the Commissioners' Court of Harris county, asking for the passage of a law empowering them to issue bonds to the amount of one hundred thousand dollars, to lift the floating debt, re-bond the bonded debt of the county, erect a new jail and repair their court-house; these bonds to draw interest at seven or eight per cent., and run ten or twenty years, with interest payable annually or semi-annually at the County Treasury; or if a special act is thought to be unconstitutional, then such general legislation as will give them relief, giving various reasons for this relief by reference to their financial condition, etc.

Referred to Committee on State Affairs.

On motion of Senator Stephens, the rules were suspended and House Bill No. 86, "An Act to make an appropriation of the Fourteenth Legislature for frontier defense, available for payment of deficiency for previous year for same purpose," was taken up and read second time.

On motion of Senator Stephens, the rules were further suspended to place the bill on its third reading, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Burton, Carroll, Edwards, Francis, Grace, Guy, Henry J. R., Henry F. M., Ledbetter, Martin, McLeary, McCormick, Moore, Motley, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson, Wortham—24.

NAYS—None.

NOT VOTING—Senators Brown, Ford, Hobby, McCulloch, Piner—5.

Bill read third time and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Carroll, Edwards, Francis, Grace, Guy, Henry J. R., Henry F. M., Ledbetter,

Martin, McLeary, McCormick, Moore, Motley, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson, Wortham—25.

NAYS—None.

NOT VOTING—Senators Ford, Hobby, McCulloch, Piner—4.

Senate Bill No. 119, "An Act to regulate proceedings in the County Courts, pertaining to the estates of deceased persons," being the unfinished business, was taken up, the pending amendment of Senator Brady to Section 57 of the bill, being under consideration.

Senator Thompson offered the following substitute for Senator Brady's amendment

"SEC. 57. At the first term of the court, after an inventory and list of claims have been returned, it shall be the duty of the County Judge to set apart for the use and benefit of the widow, minor children and unmarried daughters remaining in the family, if there be either or any, of the deceased, all such property as may be exempted from execution or forced sale, under the Constitution and laws of the State, that were on hand in kind, at the time of the death of the deceased, with the exception of provisions and forage on hand for home consumption, in lieu of which provision is made in Section 56 of this act. And in case there should not be a homestead, it shall be the duty of the County Judge to make an allowance of five thousand dollars in lieu thereof, to such widow, minor children and unmarried daughters remaining in the family, or such of them as there be. And in case there should not be on hand in kind, at the death of the deceased, a part or all of the specific articles exempted from execution or forced sale, the County Judge shall not make any allowance in lieu thereof. The allowance of five thousand dollars aforesaid, in lieu of the homestead, shall be paid by the executor or administrator in money, out of the first funds of the estate that may come into his hands; and if there be no funds or not sufficient funds of the estate in the hands of such executor or administrator to pay such allowance or any part thereof, it shall be the duty of the County Judge, on his own motion or on the application of such widow, minor children or unmarried daughters remaining in the family, to order a sale of so much of the estate, for cash, as will be sufficient to raise the amount of such allowance, or a part thereof, as the case may require: *provided*, that at said sale the widow, minor child or unmarried daughters, nor any person for them, shall not be allowed to bid for or purchase any property of the estate at said sale. The allowance made, as provided for in this section, shall be paid in the following manner: If there be a widow and no minor child or daughters unmarried remaining in the family, the whole shall be paid to the widow; if there be a minor child or children, or unmarried daughter remaining in the family, and no widow, the whole shall be paid to such minor child or children or unmarried daughter remaining in the family, or equally divided among said minor children and unmarried daughters remaining in the family; if there be a widow and a minor child or children, or unmarried daughter remaining in the family, one-half shall be paid to the widow, and the other half to such minor child or children, or unmarried daughters as aforesaid, or to be divided equally among such children and unmarried daughters as aforesaid: *provided*, that if the widow be not the mother of all said minor children and unmarried daughters aforesaid, then the minor children and unmarried daughters aforesaid of the deceased, by the

former marriage or marriages, shall receive twice as much as those of the last marriage: *provided, further*, that if the estate of such decedent be not insolvent, nothing contained in this section shall be so construed as to prohibit the distribution and partition of said property, or allowance made in lieu thereof, as provided in this section, among the heirs and distributees of the estate: *and provided further, however*, that the homestead, if there be one, shall only be partitioned as provided for in the Constitution."

Accepted by Senator Brady, and lost by the following vote:

YEAS—Senators Ball, Brady, Brown, Guy, Ledbetter, Martin, McLeary, McCormick, Moore, Storey, Thompson, Wortham—12.

NAYS—Senators Blassingame, Carroll, Edwards, Francis, Ford, Grace, Henry J. R., Henry F. M., Hobby, McCulloch, Motley, Piner, Ripetoe, Smith, Stephens, Terrell—16.

NOT VOTING—Senator Burton—1.

Senator Wortham offered the following amendment:

"SEC. 147. That an imperative public necessity exists for the suspension of the constitutional rule requiring this bill to be read on three several days, and the fact that there being no laws in force regulating the proceedings pertaining to estates, creates an emergency requiring this act to go into effect immediately; it is therefore enacted that this act take effect and be in force from and after its passage."

Adopted.

Senator Storey offered the following amendment:

Amend Section 57, line 51, by inserting after the word, "estate," the words, "except the homestead."

Adopted.

Senator Ledbetter offered the following amendment:

Amend Section 81 by adding: "*Provided*, that should the executor or executrix be a non-resident of this State, he or she shall have the same power under said will as though he or she resided in this State."

Adopted.

Senator McCormick offered the following amendment:

Insert between Sections 67 and 68 of the printed bill:

"SEC. —. All exhibits made by executors or administrators, showing a list of claims allowed and approved, or established against the estate they represent, or showing the condition of said estate, and an account of the moneys received, and of the moneys paid out on account of said estate, returned to the court before the filing of the final account provided for in a subsequent section of this act, shall be filed with the Clerk, and notice of such filing shall be posted by the Clerk on the court-house door of the county for which said court is held; and no other action shall be had therein until the expiration of at least twenty days from the posting of said notice; after the expiration of which time, the County Judge shall, in term time, examine said exhibit, and if the same be found to be correct, render judgment of approval thereon, and order said exhibit to be recorded in a suitable book to be kept by the Clerk for that purpose."

Adopted.

Senator Brady offered the following amendment:

Strike out the proviso at the end of Section 57, and add: "*Provided*, that an allowance for homestead shall not exceed five thousand dollars."

Senator McLeary in the chair.

Senator Francis moved the previous question on the pending amendment.

Lost.

The President in the chair.

Senator Henry of Cass offered the following as a substitute for Senator Brady's amendment :

Amend by striking out the proviso at the end of Section 57.

Lost.

Senator Brady's amendment was then adopted by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Burton, Edwards, Ford, Guy, Henry J. R., Hobby, Martin, McCormick, Moore, Ripetoe, Stephens, Terrell, Wortham—16.

NAYS—Senators Brown, Francis, Henry F. M., Ledbetter, McLeary, McCulloch, Motley, Piner, Storey, Thompson—10.

NOT VOTING—Senators Carroll, Grace, Smith—3.

Senator Thompson offered the following as new sections, to come in before the last section, and numbered accordingly :

"SEC. —. There shall be appointed by the District Judge, in each county in his district, a suitable person who shall not be disqualified under the provisions of this act, who shall be a public administrator, and shall hold his position for four years, unless removed for cause by the County Judge, as in other cases. The public administrator shall give a general bond, in such sum as the County Judge may require, with two or more good and sufficient sureties, payable to the County Judge and his successors, conditioned as other administration bonds, for the faithful discharge of his duties as such public administrator of all estates on which letters shall be granted to him ; and he shall also take the oath administered to other administrators. The public administrator shall take out letters of administration upon the estates of all persons who die intestate in his county, leaving property therein, when said estate shall not be administered on by any of those who are interested in said administration within six months after the death of the intestate: *provided*, that after granting letters of administration to a public administrator, and before the final settlement of the estate, if the husband, widow or any heir of the intestate, in writing, claims the right of administration, or requests the appointment of some other suitable person to the trust, the County Judge shall grant letters of administration accordingly, and upon the appointment of a successor, and his giving the bond and taking the oath required by this act, the powers of the public administrator over the estate shall cease.

"SEC. —. Every public administrator shall surrender his letters upon the estate of any person deceased, if a will of such person is there-after probated ; and upon the appointment of an executor or administrator, as successor to the public administrator, he shall surrender his letters with an account, under oath, of his doings therein ; and upon a just settlement of his account, shall pass over and deliver to his successor all sums of money remaining in his hands, and all property, effects and credits of the deceased not administered.

"SEC. —. Whenever any administrator or executor shall desire to resign his trust, and shall file his account of the condition of his estate, as provided for in this act, and no other suitable person interested in the estate immediately applies for letters of administration therein, the court shall direct said estate to be turned over to the public administra-

tor; and upon the filing by such executor or administrator, in the court, the receipt of said public administrator, for all the effects belonging to said estate, not administered, the court shall enter an order approving the resignation of such executor or administrator, and he shall be discharged from his trust and all further liability on his bond."

Lost by the following vote:

YEAS—Senators Brady, Brown, Carroll, Edwards, Henry J. R., McLeary, McCormick, Motley, Ripetoe, Smith, Stephens, Thompson—12.

NAYS—Senators Ball, Blassingame, Burton, Francis, Ford, Grace, Guy, Henry F. M., Hobby, Ledbetter, Martin, McCulloch, Moore, Storey, Terrell, Wortham—16.

Senator McCormick offered the following amendment:

Add to Section 71, of printed bill, "but no order for the sale of real property for the payment of debts shall be made, either on the application of the executor or administrator, or of any heir, devisee, legatee, or creditor of the deceased, unless notice of the application therefor shall have been given for thirty days before the first day of the term at which said order is made. Such notice shall be given by a general citation, to be issued by the Clerk of the court to all persons interested in the estate, to show cause why such sale should not be made; which citation shall be posted for thirty days, in at least three public places in the county, one of which shall be the court-house door, and no two of which shall be in the same city, town or village.

Adopted.

Senator Storey offered the following amendment:

In Section 58, line 15, strike out, "six;" and insert, "four;" and in line 22, strike out, "six," and insert, "four."

Adopted.

Senator Storey offered the following amendment:

In Section 60, line 8, of the printed bill, strike out all after the word, "complaint."

Adopted.

Senator Guy offered the following amendment:

Amend Section 86, line 11, by inserting after the word, "money," the words, "*provided, however,* that said mortgage shall not be taken until the sale of said land shall have been approved by the court."

Adopted.

Senator Storey offered the following amendment:

In Section 61, line 17, after the word, "some," insert the words, "Notary Public, Clerk, or."

Adopted.

Senator Edwards offered the following amendment:

Add to Section 9: "*Provided,* that no administration shall be had under this act of any estate unless it shall be shown to the court granting the administration that the intestate was in debt at the time of his death, and at the time of the filing of the application for letters of administration."

Adopted.

Senator Thompson offered the following amendment:

"Sec. 2. Before granting letters testamentary, it must appear to the Court:

"*First*—That the person is dead.

"*Second*—That four years have not elapsed since his decease, prior to the application.

"*Third*—That the court has jurisdiction of the estate.

"*Fourth*—That the will has been proved as prescribed by law.

"*Fifth*—That the person to whom the letters are to be granted is named as executor in the will.

"*Sixth*—That the person named as executor is not disqualified by law.

"*Seventh*—That the executor has given bond as provided by law, or that the will dispensed with the giving of a bond, and that the executor has taken and subscribed the oath as provided by law.

"The first three sub-divisions of this section have no application when letters of administration have been previously granted in said court.

"SEC. 3. Before granting letters of administration, it must appear to the court:

"*First*—That the person is dead.

"*Second*—That four years have not elapsed since his decease, prior to the application.

"*Third*—That the court has jurisdiction of the estate.

"*Fourth*—That the person to whom the letters are about to be granted is entitled thereto by law, and is not disqualified.

"*Fifth*—That the bond has been given as provided by law.

"*Sixth*—That the oath has been taken as provided by law."

Adopted.

Senator Piner offered the following amendment:

Amend by adding the following additional sections:

"SEC. —. The executor or administrator, as soon as practicable after the appointment, shall sell, at public or private sale, all the personal property belonging to the estate, except such bonds, securities, and other personal property as may, in the opinion of the County Judge, be of a character not likely to waste or loss, and except property exempt from forced sale, specific legacies, and personal property necessary to carry on a plantation or manufactory, giving such credit as he may deem most advantageous to the estate, not exceeding six months, and taking notes, with one or more sufficient sureties, for the purchase money.

"SEC. —. If any testator direct his personal estate, or any part thereof, not to be sold, the same shall be reserved from sale, unless such sale be necessary for the payment of debts.

"SEC. —. The executor or administrator shall keep, or cause to be kept, a true account of the sales made, making a list thereof, specifying each article sold, the price for which it was sold, and the name of the purchaser, and shall annex to such list an affidavit, stating that it is a true account of the sales made by him at the time specified, and shall file it within thirty days after the sale. Such account shall be recorded after allowing one term for objections to be made thereto.

"SEC. —. The law regulating sales under execution, so far as it relates to the advertisement and sale of personal property, and is not inconsistent with the provisions of this act, shall apply to the advertisement and public sales of such property by an executor or administrator; the executor or administrator being substituted for the Sheriff or Constable, the estate for the debtor, and the persons interested in the administration only, for the creditors.

"SEC. —. The executor or administrator may sell any of the per-

sonal property of the estate at private sale, if it appear to him to be for the interest of the estate; but he shall be responsible for its being sold for a fair price, and shall make return of such sale in thirty days.

"SEC. —. If the executor or administrator shall represent to the Court on oath, that there is wild stock belonging to the estate, which he is unable to collect or command, the Court may order that the same be sold at public auction, without taking an inventory or appraisement thereof, on such credit as the court may deem reasonable, not exceeding six months, taking notes, with good and sufficient securities, for the purchase money.

"SEC. —. Such sales shall be advertised, made, returned and confirmed in the same manner as the sales of real property."

Adopted.

Senator McCormick offered the following amendment:

In Section 84, line 20, strike out, after the word, "at," down to the word, "it," in line 23, and insert the following words: "any time after the expiration of five days from the noting of such return in the minutes of the court."

Adopted.

Senator Edwards gave notice of motion to reconsider the vote by which Senator Brady's amendment to Section 57 was adopted.

Senator Edwards offered the following amendment to Section 86, line 20:

"And all notes taken for land sold by an administrator or executor shall hold the vendor's lien on the land sold, against all persons holding notice, expressed or implied, in favor of the estate, whether the mortgage be recorded or not."

Adopted.

Senator F. M. Henry offered the following amendment:

Amend by striking out all after the word, "case," in Section 57, line 11, down to the word, "it," in line 13, and inserting the words, "there should not be among the effects of the deceased all or any of the specific articles so exempted."

Adopted by the following vote:

YEAS—Senators Blassingame, Brady, Brown, Guy, Henry F. M., Hobby, Martin, McLeary, McCormick, McCulloch, Moore, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson, Wortham—19.

NAYS—Senators Ball, Carroll, Edwards, Francis, Grace, Henry J. R., Ledbetter, Motley—8.

NOT VOTING—Senators Burton, Ford—2.

The motion of Senator Edwards, to reconsider the vote by which the amendment of Senator Brady to Section 57 was adopted, was put and lost by the following vote:

YEAS—Senators Brown, Carroll, Edwards, Francis, Grace, Henry J. R., Henry F. M., Hobby, McCulloch, Motley, Piner, Storey—12.

NAYS—Senators Ball, Blassingame, Burton, Guy, Ledbetter, Martin, McLeary, McCormick, Moore, Smith, Stephens, Terrell, Thompson, Wortham—14.

NOT VOTING—Senators Brady, Ford, Ripetoe—3.

Senator McLeary offered the following amendment to Section 57:

Add to Section 57: "And the allowance for the other exempted property shall not exceed five hundred dollars, exclusive of one year's provisions."

Adopted by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Carroll, Francis, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Motley, Piner, Smith-Stephens, Storey, Terrell, Thompson, Wortham—26.

NAYS—Senator Ripetoe—1.

NOT VOTING—Senators Edwards, Ford—2.

Senator Terrell offered the following amendment to Section 35:

“*Provided*, that no married women shall administer the estate of her former husband during the continuance of the second or subsequent marriage.”

Adopted.

Senator McCormick offered the following amendment to Section 72:

Add the words: “And due notice of such application shall have been given.”

Adopted.

Senator McCormick offered the following amendment to Section 76:

To Section 76 add: “And in case the lien shall be upon real property, giving the notice of said application required to obtain an order for the sale of such property.”

Adopted.

Senator Carroll offered the following amendment to Section 57:

Amend by adding to Section 57 the following: “No property on which liens have been given by the husband to secure creditors, shall be appropriated to make up the \$5,000 or \$500 aforesaid, until the debts secured by said liens shall be discharged.”

Adopted.

The President *pro tem.* in the chair.

Senator Brady moved to reconsider the vote adopting Senator Carroll's amendment just adopted.

The President in the chair.

Senator Moore moved the previous question on the pending motion to reconsider.

Motion seconded.

The motion to reconsider was lost by the following vote:

YEAS—Senators Blassingame, Brady, Burton, Ford, Guy, Henry F. M., Martin, McLeary, McCormick, McCulloch, Moore, Ripetoe, Terrell, Wortham—14.

NAYS—Senators Ball, Brown, Carroll, Edwards, Francis, Grace, Henry J. R., Hobby, Ledbetter, Motley, Smith, Stephens, Storey, Thompson, Mr. President—15.

Senator Terrell offered the following amendment to the bill as amended by Senator Carroll:

Insert after the word, “husband,” where it last occurs in the last amendment to Section 57, the words, “and wife acknowledged privately and apart from her husband.”

Adopted by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Ford, Guy, Henry J. R., Henry F. M., Martin, McLeary, Moore, Terrell, Wortham—12.

NAYS—Senators Carroll, Edwards, Francis, Grace, Hobby, Ledbetter, McCormick, McCulloch, Motley, Stephens, Storey—11.

NOT VOTING—Senators Brady, Burton, Piner, Ripetoe, Smith, Thompson—6.

Senator McLeary moved the previous question on the bill, and the main question ordered.

Bill ordered engrossed.

On motion of Senator Smith, the rule was suspended to place the bill on its third reading, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Carroll Edwards, Francis, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Motley, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson, Wortham—27.

NAYS—Senator Ford—1.

NOT VOTING—Senator Piner—1.

Senator Ledbetter offered the following amendment to Section 63:

Amend Section 63 by adding the following: "*Provided*, that when a claim against an estate has been accepted, and approved, said claim shall be a judgment against said estate, and the holder of such claim shall be entitled to receive interest on the full amount of said claim; principal and interest due at the time of the approval thereof."

Adopted.

Senator McLeary moved to strike out in Section 64, line 15, the words, "may for willful abuse," and insert, "shall."

Adopted.

Senator McCormick offered the following amendments to Section 70:

In Section 70, lines 10 and 11, strike out, "on or before the sixth term of the court," and insert, "before the expiration of six months."

In lines 13 and 14, strike out, "at said term or at some subsequent term," and insert, "thereupon in term time."

Adopted.

Bill read third time and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Carroll, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Motley, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson, Wortham—27.

NAYS—Senator Burton—1.

NOT VOTING—Senator Piner—1.

A message was received from the House announcing the passage, by that body, of House Bill No. 35—"An Act to amend Article 702 of the code of criminal procedure in relation to bail bonds."

House Bill No. 72—"An Act to amend an act entitled, 'An Act to provide for and regulate mechanics', contractors', builders' and other liens in the State of Texas.'" approved Nov. 17, 1871; and that the House recedes from its amendments 17 and 25, and refuses to recede from its amendment numbered 5, to Senate Bill No. 2, "to organize the County Courts," etc., and have appointed Representatives Campbell, Martin, and Chesley as a committee of conference on the part of the House, and request a like committee on the part of the Senate.

The President appointed Senators Piner, Hobby and Terrell a conference committee on the part of the Senate, on House amendment No. 5 to Senate Bill No. 2, "An Act to organize the County Courts and define their powers and jurisdiction."

Senator Smith, by leave, introduced a bill entitled: "An Act to provide for the resumption by the State of the possession and control of the State Penitentiary at Huntsville, and of all the property and convicts belonging thereto; and to provide for the settlement of all matters

between the lessees and State, growing out of the termination of the lease of said penitentiary; and to provide for the management and control of said penitentiary and convicts after the termination of said lease; and to make necessary appropriations therefor."

Read by caption and referred to Committee on State Penitentiaries."

Senator Ford, by leave, introduced a bill entitled: "An Act to regulate the business of insurance."

Read by caption and referred to Judiciary Committee No. 2.

Senator Brady by leave, offered the following resolution:

Resolved, That the Judiciary Committee of the Senate be and is hereby instructed to report to the Senate as soon as practicable, whether or not the Legislature possesses the power under the Constitution to pass a special law incorporating our institutions of learning.

Adopted, and referred to Judiciary Committee No. 2.

Senator Storey, by leave, presented the petition of many citizens of McCulloch county, "requesting that the Legislature provide for the holding of a term of the District Court immediately in their county; that the Clerk of San Saba county be required to certify to the Clerk of said county all causes that are within the jurisdiction of their county, and they also request the election of a District Attorney for their Judicial District."

Referred to Judiciary Committee No. 1.

The rules were suspended, and House Bill No. 8, "An Act to regulate the opening, classifying and working of public roads in the State," was taken up, with the report of the Committee on Roads, Bridges and Ferries, recommending that Senate Bill No. 84, "An Act to authorize the County Court to provide for and regulate the construction and repairing of county roads, and fixing the penalties therefor," as a substitute for said bill.

The report of committee adopted and said bill substituted.

On motion of Senator Ford, the Senate adjourned until 9 o'clock tomorrow morning.

FORTY-EIGHTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, June 13, 1876. }

Senate met pursuant to adjournment. Roll called. Quorum present. Prayer by the Rev. Mr. Baird, of Paris, Lamar county, Texas.

Journal of yesterday adopted.

Senator Stephens, Chairman of the Committee on Federal Relations, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 169, "Instructing our Senators, and requesting our Representatives in Congress, to ask for protection for the frontier, and for compensation for past expenditures by the State in that behalf," have had the same under consideration, and instruct me to report the same back, and ask the passage of the substitute herewith submitted.

STEPHENS, *Chairman.* †

Senator Storey, from Judiciary Committee No. 1, submitted the following report: